

1 Michael R. Headley (SBN 220834)
headley@fr.com
2 FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
3 Redwood City, CA 94063
Tel: 650-839-5070
4 Fax: 650-839-5071

Kenneth E. Keller (SBN 71450)
PILLSBURY WINTHROP SHAW PITTMAN
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111-5998
Telephone: (415) 983-1000
Facsimile: (415) 983-1200
kenneth.keller@pillsburylaw.com

5 William R. Woodford (Admitted *Pro Hac Vice*)
woodford@fr.com
6 FISH & RICHARDSON P.C.
3200 RBC Plaza
7 60 South Sixth Street
Minneapolis, MN 55402
8 Tel: 612-335-5070
9 Fax: 612-288-9696

David A. Jakopin (SBN 209950)
Matthew W. Hindman (SBN 247707)
PILLSBURY WINTHROP SHAW PITTMAN
2550 Hanover Street
Palo Alto, CA 94304-1115
Telephone: (650) 223-4500
Facsimile: (650) 233-4545
david.jakopin@pillsburylaw.com
matthew.hindman@pillsburylaw.com

10 Attorneys for Plaintiff
VTT TECHNICAL RESEARCH CENTRE OF
11 FINLAND LTD.

Attorneys for Defendant
SITIME CORPORATION

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 (OAKLAND DIVISION)

16 VTT TECHNICAL RESEARCH CENTRE OF
17 FINLAND LTD.,

18 Plaintiff,

19 v.

20 SITIME CORPORATION

21 Defendant.
22
23
24
25
26
27
28

Case No. 4:19-cv-1174-YGR

**PATENT L.R. 4-3 JOINT CLAIM
CONSTRUCTION AND PREHEARING
STATEMENT**

Pursuant to Patent L.R. 4-3, Plaintiff VTT Technical Research Centre of Finland Ltd. and Defendant SiTime Corporation submit this Joint Claim Construction and Prehearing Statement for the claims of U.S. Patent No. 8,558,643.

I. CONSTRUCTION OF TERMS FOR WHICH THE PARTIES AGREE

The parties have agreed on the constructions of the following terms:

Claim Term	Agreed Upon Construction
“semiconductor element capable of deflecting or resonating” Asserted claims 1, 14, 20, and 29-30	a component of the micromechanical device that is made of material whose electrical conductivity is between that of electrical conductors and electrical insulators, capable of bending, deviating, or resonating, and attached to a supporting structure
“semiconductor materials” Asserted claims 28-29	materials whose electrical conductivity is between that of electrical conductors and electrical insulators
“generalized stiffness” Asserted claims 1, 5, 26, and 29-30	the effective stiffness of the semiconductor element that depends upon the elastic parameters of the semiconductor material (such as c11, c12, and c44 in the case of silicon crystals) and the resonant mode
“temperature sensitivities of the generalized stiffness” Asserted claims 1 and 5	the variation of the generalized stiffness as temperature changes due to the influence of temperature on the elastic parameters of the semiconductor material for a given resonant mode
“the overall temperature drift of the generalized stiffness of the semiconductor element is 50 ppm or less on a temperature range of 100C” Asserted claim 1	the total variation (including first and higher order responses) of the generalized stiffness of the semiconductor element from changes in the temperature of the semiconductor element is 50 ppm or less on a temperature range of the semiconductor element that extends at least 100°C

II. PROPOSED CONSTRUCTION OF EACH DISPUTED TERM, SUPPORTING EVIDENCE, AND REQUESTED FACTUAL FINDINGS

Attached Exhibit A includes a table that sets forth the disputed claim terms, the parties’ proposed constructions, as well as the intrinsic and non-expert extrinsic evidence on which the parties intend to rely in support of their own proposed constructions or in opposition to the other party’s proposed constructions and each party’s requested factual findings (if any). The disputed claim terms are as follows:

Claim Term	Relevant Claims
“at least two regions having different material properties”	Asserted claims 1 and 29
“being configured so that the temperature sensitivities of the generalized stiffness are opposite in sign at least at one temperature for the regions”	Asserted claim 1
“the overall temperature drift of the generalized stiffness of the semiconductor element is less than 50 ppm”	Asserted claim 29
“drive or sense means”	Asserted claims 1 and 29

III. IDENTIFICATION OF TERMS WHOSE CONSTRUCTIONS WILL BE MOST SIGNIFICANT TO RESOLUTION OF THE CASE

The parties have identified four disputed terms for construction by the Court. Of those terms, SiTime contends that the construction of “drive or sense means” is dispositive in that the phrase renders all the asserted claims invalid.

IV. ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING

The Court has scheduled a technology tutorial for 2:00 p.m. on April 8, 2020. The parties anticipate that, subject to the Court’s approval, they will need two hours for the technology tutorial (split equally by the parties). The Court has also scheduled the *Markman* hearing for 9 a.m. on April 24, 2020. The parties anticipate that, subject to the Court’s approval, they will need three hours for the claim construction hearing (also split equally by the parties).

V. PROPOSED WITNESSES AT THE CLAIM CONSTRUCTION HEARING

VTT expects to call Dr. Carl Meinhart at the technology tutorial. VTT anticipates it may call Dr. Meinhart at the claim construction hearing. Dr. Meinhart will provide expert testimony as outlined in Exhibit A, as well as any questions that the Court may have regarding the subject matter of the asserted patent or the disputed claim terms.

SiTime anticipates it may call Dr. Clark Nguyen for the technology tutorial. SiTime reserves the right to call Dr. Nguyen at the claim construction hearing. Dr. Nguyen will provide expert testimony as outlined in Exhibit A, as well as any questions that the Court may have regarding the subject matter of the asserted patent or the disputed claim terms

1
2 Dated: December 20, 2019

FISH & RICHARDSON P.C.

3
4 By: /s/ William R. Woodford
5 William R. Woodford

6 Attorneys for Plaintiff
7 VTT TECHNICAL RESEARCH CENTRE OF
8 FINLAND LTD.

9 Dated: December 20, 2019

PILLSBURY WINTHROP SHAW PITTMAN

10
11 By: /s/ Matthew W. Hindman
12 Matthew W. Hindman

13 Attorneys for Defendant
14 SITIME CORPORATION

15 I hereby attest under penalty of perjury that concurrence in the filing of this document has
16 been obtained from counsel for Defendant.

17 Dated: December 20, 2019

FISH & RICHARDSON P.C.

18 By: /s/ William R. Woodford
19 William R. Woodford

20 Attorneys for Plaintiff
21 VTT TECHNICAL RESEARCH CENTRE OF
22 FINLAND LTD.
23
24
25
26
27
28